

From: [King, Melanie](#)
To: [Rineheart, Rachel](#); [Yarbrough, Cody](#)
Subject: RE: Cummins RICE NESHAP Applicability Determination
Date: Tuesday, July 16, 2019 10:39:34 AM

That's good to know, thanks Rachel.

Melanie King
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From: Rineheart, Rachel
Sent: Tuesday, July 16, 2019 11:24 AM
To: Yarbrough, Cody <yarbrough.cody@epa.gov>; King, Melanie <King.Melanie@epa.gov>
Subject: RE: Cummins RICE NESHAP Applicability Determination

I looked up the Cummins permit in MN to see how the state ultimately handled the issue. They seem to have determined that the source was not subject to the MACT or NSPS. From the TSD for the Cummins permit issued in 2013:

New Source Performance Standards (NSPS)

EU 187 South Boiler is subject to recordkeeping for 40 CFR pt. 60, subp. Dc.

Generators tested in the test cells and stands at CPG are not subject to 40 CFR pt. 60, subp. JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, or 40 CFR pt. 60, subp. IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, because the facility will not install any of the generators that are tested in GP 001 test stands and cells.

National Emission Standards for Hazardous Air Pollutants (NESHAP)

This facility is a major HAP source subject to the 40 CFR pt. 63, subp. MMMM, NESHAP for Miscellaneous Metal Coating. The facility applies general use coatings as defined at 40 CFR Section 63.3981.

EU 186 and 187 are firetube boilers. These boilers are affected facilities (defined as small units) under 40 CFR pt. 63 subp. DDDDD published on September 13, 2004, and no applicable requirements and no initial notifications were required. Since publication, 40 CFR pt. 63 subp. DDDDD has been amended and CPG should reevaluate the final rule for any applicable requirements.

The facility did an evaluation of the applicability of the 40 CFR pt. 63 subp. PPPPP, NESHAP for Engine Test Cells/Standards. The engines tested are an integrated part of the final product; therefore the facility is not subject to this subpart according to 40 CFR Sections 63.9285 (a) and (b).

CPG also evaluated the generators tested in the test cells and stands at CPG and determined that they are not subject to 40 CFR pt. 63, subp. ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The facility will not install any of the generators that are tested in

GP 001 test stands and cells and therefore will not commence construction and not trigger 40 CFR pt. 63 subp. ZZZZ requirements for these engines.

Engines tested in test cells and stands at CPG may include the following types of engines:

Stationary SI ICE;

Natural gas, rich-burn engines greater than or equal to 26 HP

Natural gas, lean-burn engines greater than or equal to 26 HP

LPG, lean-burn engines greater than or equal to 26 HP

LPG, rich-burn engines greater than 25 HP

Stationary CI ICE

From: Yarbrough, Cody

Sent: Tuesday, July 16, 2019 10:07 AM

To: King, Melanie <King.Melanie@epa.gov>; Rineheart, Rachel <Rineheart.Rachel@epa.gov>

Subject: RE: Cummins RICE NESHAP Applicability Determination

Good find. Thanks for forwarding!

From: King, Melanie

Sent: Tuesday, July 16, 2019 9:18 AM

To: Yarbrough, Cody <yarbrough.cody@epa.gov>; Rineheart, Rachel <Rineheart.Rachel@epa.gov>

Subject: FW: Cummins RICE NESHAP Applicability Determination

This is that other facility from a few years ago that I was thinking of (there was an Erik from Region 5 that was involved, so my memory was correct). Looks like it was in Minnesota.

Melanie King

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From: Erik Hardin/R5/USEPA/US

To: xue.feng@cummins.com,

Cc: "Walkush, Andrea (MPCA)" <andrea.walkush@state.mn.us>, "Hedman, Jeffrey (MPCA)" <jeffrey.hedman@state.mn.us>

Date: 06/26/2012 01:55 PM

Subject: Re: Fw: Cummins RICE NESHAP Applicability Determination

Xue:

I had a conference call today with some headquarters folks, and we think we may have found a path forward that will help you. Unfortunately, this is going to require that I pass you off to EPA's Office of Transportation and Air Quality (i.e. the office that issues certificates of conformity).

For uncertified engines that you operate/test that are required by the NSPS to be certified, you may be able to meet either the testing and/or export only exemptions under 40 CFR Part 1068. These exemptions are marked as applicable to NSPS Subpart IIII at 60.4200(d) and Subpart JJJJ at 60.4231(e).

However, those exemptions require prior approval by EPA (again, our OTAQ). The folks I was meeting with today and I don't really know for sure that OTAQ will consider any of these exemptions as applicable but only they can make that call.

So, please inquire with OTAQ on this. I assume you have a good contact there since Cummins certifies quite a large number of engines through them. If that is a totally different part of Cummins with which you have little contact, you could start with Justin Greuel. (greuel.justin@epa.gov)

For engines that are not required to be certified and are not certified, we do not believe the exemptions would apply. However, if the rules require that these engines be tested, we think you are mostly covered since you never keep the engines long enough for the testing deadline to come into effect. That remains a bit of a tricky issue though since the emission standard technically still applies from the first day you begin operating them. I'm not sure how many of these types of engines you are dealing with though.


I believe you are more or less covered with regard to certified engines. Though technically you may be required to submit notifications of some sort for each of these engines, the recordkeeping we discussed should cover that. And, if PCA wants to create a periodic reporting requirement with all of the requisite information, that should help as well.

I hope this is helpful. Please let me know if you run into any problems inquiring about exemption possibilities with our OTAQ.

-Erik

D. Erik Hardin, Environmental Scientist
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 xue.feng---06/25/2012 09:34:37 AM---Hi Erik, Have you get a chance to talk to people in your headquarters? Let me know

From: xue.feng@cummins.com
To: Erik Hardin/R5/USEPA/US@EPA
Date: 06/25/2012 09:34 AM
Subject: Re: Fw: Cummins RICE NESHAP Applicability Determination

Hi Erik,
Have you get a chance to talk to people in your headquarters? Let me know if you have any update on this.
Thanks,
Xue

Xue Feng, P.E.

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From: Erik Hardin <Hardin.Erik@epamail.epa.gov>
To: xue.feng@cummins.com
Date: 06/11/2012 11:17 AM
Subject: Re: Fw: Cummins RICE NESHAP Applicability Determination

I'm still working on getting you an answer. I need to discuss this with someone at my headquarters and our travel schedules have been conflicting (she's out when I'm in and vice versa). Hope to have some discussions with her this week, but this may be a unique enough situation that it would need to be elevated to others (i.e. if a simple applicability determination can't resolve the issue).

I'm hoping it one come to that, but we can only do so much with the determination process.

Sorry again for the delay.

-Erik

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 xue.feng---05/29/2012 10:43:09 AM---Hi Erik, Thanks for the reply and voicemail.

From: xue.feng@cummins.com
To: Erik Hardin/R5/USEPA/US@EPA
Date: 05/29/2012 10:43 AM
Subject: Re: Fw: Cummins RICE NESHAP Applicability Determination

Hi Erik,
Thanks for the reply and voicemail.

As we discussed before, MPCA considers that the generators to be sold are subject to RICE NESHAP

because our testing cells are not qualified as engine test cells.

We can claim generators, larger than 500 hp, as "limited use" RICE per RICE regulation. For generators less than 500 hp, they need to be in compliance with NSPS 4I or 4J. We manufacture and export generators to other countries per the emission standard of the destination/final user. They are not EPA certified.

I need your help on review the following questions.

- Are Cummins Owner/operators of those generators to be sold? My understanding is that they mean the final owner/operator.
- Does EPA have clarification on Equipment test cell vs engine test cell? By the words on NSPS or NESHAP regulations, none of the equipment test cell will be able to use the exemption because they are not engine test cell. I wonder if this question has been raised by other equipment manufacturers.
- Testing performed in our facility is less than 100 hours and the generators will not be kept on site more than 180 days. Can we submit a special consideration request to EPA?

Any advice or suggestion will be greatly appreciated.

Thanks,

Xue

Xue Feng, P.E.

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Please consider your environmental responsibility before printing this e-mail.

From: Erik Hardin <Hardin.Erik@epamail.epa.gov>

To: xue.feng@cummins.com

Date: 05/24/2012 02:57 PM

Subject: Re: Fw: Cummins RICE NESHAP Applicability Determination

I got your message but have been tied up in meetings today. I may be able to respond more expeditiously if you email the question to me.

Thanks,
Erik

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